



United States Attorney  
District of Minnesota

FXH

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Minneapolis, Minnesota 55401

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June 5, 1981

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Edward J. Schwartzbauer, Esq.  
Dorsey, Windhorst, Hannaford,  
Whitney and Halladay  
2300 First National Bank Building  
Minneapolis, Minnesota 55402

Re: United States of America, et al., v.  
Reilly Tar and Chemical Corporation, et al.,  
U.S.D.C. D. Minn. (Civil No. 4-80-469)

Dear Mr. Schwartzbauer:

*file?*  
I have spoken to Erica Dolgin of the Department of Justice concerning the possibility of the United States filing an amended complaint to include a "super fund" count. We believe that if the United States is to amend its complaint, it can be done within the next 90 days. That being the case, it is our understanding that you will withhold your motion to dismiss the amended complaint on its super fund allegations until such a time as you can make a similar motion against the United States, assuming that is within the next 90 days. Notwithstanding this, it is the intention of all parties to go forward and have heard your motion to dismiss scheduled before Judge Murphy on June 23, 1981.

Thank you for your consideration in this matter.

Sincerely yours,

JOHN M. LEE  
United States Attorney

*[Signature]*  
BY: FRANCIS X. HERMANN  
Assistant United States Attorney

cc: Stephen Shakman  
Allan Hinderaker  
Erica Dolgin  
✓ Robert Leininger  
Fred Stiehl